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10 Attorneys for United States of America

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 OAKLAND DIVISION

14 UNITED STATES OF AMERICA,

No. 4:23-mj-71002-MAG

15 Plaintiff,

16 v.
17 STIPULATION REGARDING REQUEST FOR
18 HECTOR DOMINGUEZ,
19 (1) CONTINUANCE OF STATUS DATE AND
Defendant. (2) FINDINGS OF EXCLUDABLE TIME
PERIOD AND ORDER (AS MODIFIED)

20 Plaintiff United States of America, by and through its counsel of record, the United States
21 Attorney for the Northern District of California and Assistant United States Attorney Charles Bisesto,
22 and defendant Hector Dominguez (“Defendant”), by and through his counsel of record, John Paul
23 Reichmuth, hereby stipulate as follows:

24 1. On July 6, 2023 the Honorable Kandis A. Westmore, U.S. Magistrate Judge, issue a
25 Criminal Complaint charging Defendant with Distribution of fentanyl, in violation of 21 U.S.C. §
26 841(a)(1), (b)(1)(C).

27 2. On July 19, 2023, Defendant made his initial appearance before the Honorable Kandis
28 A. Westmore, U.S. Magistrate Judge, and was arraigned on the Criminal Complaint. At that time,

1 Defendant agreed to continue the matter to August 16, 2023 for a status conference. In Magistrate
2 Court on July 19, 2023, Defendant and the government stipulated that time could be excluded both
3 under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1.

4 3. The matter is currently scheduled for a hearing on October 6, 2023 in Magistrate Court.

5 4. Pursuant to Defendant's request for discovery, the government has produced a number
6 of items of discovery to Mr. Dominguez's counsel with the last items being produced on September
7 18, 2023. Because the investigation that led to the charges in this case spanned over a year, there are a
8 number of police reports, lab reports and related documents for the parties to review. The defense is
9 currently reviewing all of the discovery and both parties are discussing the parameters of a potential
10 resolution.

11 5. Given the need to review discovery, and the substantive case discussions that are
12 occurring, both parties agree that this matter should be continued to a future date for a status hearing.

13 6. The parties believe that failure to grant the continuance would deny Defendant and his
14 counsel reasonable time necessary for effective preparation, taking into account the exercise of due
15 diligence. The parties are requesting a new status on preliminary hearing or arraignment date of
16 November 7, 2023.

17 7. Defense counsel represents that his client understands that he has a right under 18
18 U.S.C. § 3161(b) to be charged by information or indictment with the offense alleged in the pending
19 criminal complaint and that his client knowingly and voluntarily waives that right and agrees to
20 continue to exclude the time to be charged by indictment and agrees to set a status in this matter on
21 November 7, 2023. Defense counsel further represents that his client knowingly and voluntarily
22 waives the timing for preliminary hearing under Federal Rule of Criminal Procedure 5.1 through
23 November 7, 2023.

24 8. For purposes of computing the date under Rule 5.1 of the Federal Rules of Criminal
25 Procedure for preliminary hearing, and the date under the Speedy Trial Act by which defendants must
26 be charged by indictment or information, the parties agree that the time period of October 6, 2023, to
27 November 7, 2023, inclusive, should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i)
28 and (h)(7)(B)(iv) because the delay results from a continuance granted by the Court at Defendant's

1 request, without government objection, on the basis of the Court's finding that: (i) the ends of justice
2 served by the continuance outweigh the best interest of the public and defendant in the filing of an
3 information or indictment within the period specified in 18 U.S.C. § 3161(b); and (ii) failure to grant
4 the continuance would unreasonably deny defense counsel the reasonable time necessary for effective
5 preparation, taking into account the exercise of due diligence

6 9. Nothing in this stipulation shall preclude a finding that other provisions of the Speedy
7 Trial Act dictate that additional time periods be excluded from the period within which an information
8 or indictment must be filed.

9 **IT IS SO STIPULATED.**

10 DATED: October 4, 2023

Respectfully submitted,

11 ISMAIL J. RAMSEY
12 United States Attorney

13
14 /s
15 CHARLES F. BISESTO
Assistant United States Attorney

16 DATED: October 4, 2023

17 /s (signed with permission)
18 JOHN PAUL REICHMUTH
Counsel for Defendant Hector
Dominguez

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ORDER (AS MODIFIED)

The Court has read and considered the Stipulation Regarding Request for (1) Continuance of Status Date and (2) Findings of Excludable Time Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that support a continuance in this matter, and provides good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, as well as to waive the timing for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in the filing of an information or indictment within the time period set forth in 18 U.S.C. § 3161(b); and (ii) failure to grant the continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

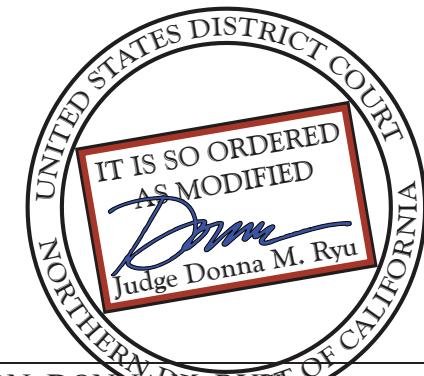
THEREFORE, FOR GOOD CAUSE SHOWN:

The status hearing for preliminary hearing and arraignment on information or indictment and status regarding detention hearing in this matter currently scheduled for October 6, 2023 is continued to November 7, 2023. The time period of October 6, 2023 to November 7, 2023, inclusive, is excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. § 3161(b) pursuant to the provisions of 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv). Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which an information or indictment must be filed.

IT IS SO ORDERED AS MODIFIED.

October 4, 2023

DATE



HON. DONNA M. TRYCT
Chief Magistrate Judge, U.S. Magistrate Court